Ord #9 1977

ZONING ORDINANCE

CITY OF ELGIN, OREGON

Draft October 4, 1977

TABLE OF CONTENTS

		Page
ARTICLE 1:	INTRODUCTORY PROVISIONS	1
Section 1:	Short Title.	1
Section 2:	Scope.	1
Section 3:	Minimum Requirements for General Welfare . . .	1
Section 4:	Building Permits; Occupancy Permits.	2
Section 5:	Duty of Enforcement.	2
Section 6:	Illegal Occupancy.	2
Section 7:	Ownership.	2
ARTICLE 2:	DEFINITIONS	2
ARTICLE 3:	USE PROVISIONS BY ZONE	5
Section 1:	Use Districts.	5
Section 2:	Regulations and Standards.	5
ARTICLE 4:	CONDITIONAL USES	8
Section 1:	Authorization.	8
Section 2:	Application for Conditional Use.	8
Section 3:	Notice of Hearing on Conditional Use	8
Section 4:	Council Action	8
Section 5:	Recess of Hearing.	10
Section 6:	Notification of Action	10
Section 7:	Revocation of a Conditional Use Permit	11
ARTICLE 5:	GENERAL PROVISIONS	11
Section 1:	Reduction in Area of Lots.	11
Section 2:	Only One Principal Building on any Lot	11
Section 3:	Yard Spaces Shall Not Overlap.	11
Section 4:	Lot of Record Exemption.	11
Section 5:	Front Yards	12
Section 6:	Existing Buildings and Non-Conforming Uses . .	12
Section 7:	Completion of Buildings.	13
Section 8:	Off-Street Parking.	13
Section 9:	Clear Vision Area	13
Section 10:	Accessory Uses	14
Section 11:	Temporary Uses	14
ARTICLE 6:	PROVISIONS APPLICABLE TO FLOODPLAINS	14
Section 1:	General Requirements	14
Section 2:	Permits.	15
Section 3:	Variance Within a Floodplain	16

ARTICLE 7: VARIANCES 16

Section 1: Authorization to Grant or Deny Variances. . . 16
Section 2: Conditions for Granting of Variance 16
Section 3: Variance Procedure. 16

ARTICLE 8: AMENDMENTS 17

Section 1: Initiation. 17
Section 2: Notice. 17
Section 3: Petitions 17
Section 4: Public Hearing. 17

ARTICLE 9: ADMINISTRATIVE PROVISIONS 18

Section 1: Appeals from Rulings on Permits 18
Section 2: Penalty for Violations. 18
Section 3: Conflicting Provisions. 18
Section 4: Validity. 18
Section 5: Resolution. 19

ELGIN ZONING ORDINANCE

DRAFT

AN ORDINANCE TO DESIGNATE, REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENCE, BUSINESS, TRADE, INDUSTRY AND OTHER PURPOSES; TO REGULATE AND LIMIT THE PLACEMENT OF BUILDINGS AND STRUCTURES UPON THE LAND; TO REGULATE AND DETERMINE THE SIDES OF YARDS AND OTHER OPEN SPACES; TO PROVIDE FOR THE ESTABLISHMENT OF BUILDING SETBACK LINES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; TO REGULATE THE ERECTION, ALTERATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Article 1: Introductory Provisions

Section 1: SHORT TITLE.

This Ordinance shall be known as the "Zoning Ordinance of the City of Elgin" and the map provided for herein shall be known as the "Zoning Map of the City of Elgin". Said map and all explanatory matter thereon are adopted as a part of this Ordinance.

Section 2: SCOPE.

No building or structure or land within the boundaries of the City of Elgin shall hereafter be used and no building or part thereof or any structure of part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district or zone in which it is located, except as otherwise provided herein. No permit for the construction or alteration of any building or structure shall be issued unless the plans, specifications and intended use of such building or structure conform in all respects with the provisions of this Ordinance. No lot or contiguous lots under the same ownership shall be reduced below the minimum area and lot dimensions required by this Ordinance.

Section 3: MINIMUM REQUIREMENTS FOR GENERAL WELFARE.

The provisions of this Ordinance shall be deemed the minimum requirements for the preservation of the public safety, health, convenience, comfort and general welfare of the people of the City of Elgin, Oregon.

Section 4: BUILDING PERMITS; OCCUPANCY PERMITS.

No building or structure hereafter erected shall be constructed, occupied or used, nor shall the use of a building be changed from a use limited to one district or zone to that of any other district or zone as defined by this Ordinance until a building permit shall have been issued by the City of Elgin or a designated agent.

Section 5: DUTY OF ENFORCEMENT.

It shall be the duty of the zoning officer, who shall be designated by the City Council, to see that this Ordinance is enforced.

Section 6: ILLEGAL OCCUPANCY. Any use of any land or any building which deviates from or violates any of the provisions of this Ordinance shall be termed an illegal use and the person or persons responsible therefor shall be subject to the penalties herein provided.

Section 7: OWNERSHIP.

Any person or persons purchasing property under contract, for the purposes of this Ordinance, shall be deemed to be the owner or owners of the property covered by the contract. The City Council may require satisfactory evidence of such contract to purchase.

Article 2: Definitions

The following words and phrases when used in this ordinance shall have the meanings respectively ascribed to them in this section, excepting in those instances where the context clearly indicates a different meaning.

Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word lot includes the word plot and the word building the word structure.

ACCESSORY BUILDING shall mean any subordinate building, the use of which is incidental, appropriate, and subordinate to that of the main building.

ACCESSORY USE shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

ANIMAL HUSBANDRY is the branch of agriculture which includes the raising and keeping of livestock, or the feeding, breeding or fattening of such animals, or dairying or poultry raising.

BUILDING SITE. The ground area of a building or buildings together with all open spaces required by this Ordinance, and which site has its principal frontage upon a public or private street.

COMPREHENSIVE PLAN. Maps and written goals and guidelines related to land use, public facilities and services, transportation, housing and/or urbanization, and adopted by the City as plan for future development, and to promote the public health, safety, and general welfare.

DWELLING, SINGLE FAMILY. A single family dwelling is a building used or arranged for use as the home or abode of but one family and in which not more than five boarders or lodgers are accommodated.

DWELLING, TWO FAMILY. A two family dwelling is a building used or arranged for use as the home or abode of but two families, living independently of each other, and in which not more than five boarders or lodgers shall be accommodated by each family.

DWELLING, MULTIPLE FAMILY. A multiple family dwelling is a building used or arranged for use as the home or abode of three or more families, living independently of each other and doing their own cooking in said building and shall include flats and apartments.

DWELLING UNIT. One or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

FAMILY. An individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.

GARAGE, PRIVATE. A private garage is a garage for not more than three automobiles, for storage only, and intended for private use, but in which space may be rented for storage only of not more than two non-commercial automobiles, by other than the occupants of the buildings to which such garage is accessory.

GARAGE, PUBLIC. A building other than a private garage used for the care, repair, parking, or storage of automobiles.

GRADE (Ground Level). The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

HEIGHT OF BUILDING. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the center height between the highest and lowest points on other types of roofs.

HOME OCCUPATION. A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.

LOT. A parcel or tract of land.

MOBILE HOME. A portable structure or trailer, not less than 32 feet in body length, nor less than 8 feet in width, so constructed and designed as to permit permanent occupancy for sleeping or living purposes.

MOBILE HOME PARK. A lot providing water and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodation.

NON-CONFORMING BUILDING OR USE. A non-conforming building or use is one that lawfully existed at the time of adoption of this ordinance or any amendment thereto, and does not conform with the regulations provided for a given use district.

OWNER. Property owner, contract purchaser, or designated representative thereof.

PARKING AREA, AUTOMOBILE. Space within a public parking area, or a building, exclusive of driveways, ramps, columns, office, and work areas, for the temporary parking or storage of one automobile of standard size.

PARKING AREA, PUBLIC. Privately or publicly owned property, other than streets or alleys, used for the parking of four or more automobiles and open for public use, whether free, for accommodation of clients or customers, or for hourly, daily, or monthly rental fees.

STREET LINE. The street line is the right-of-way line separating a private or public area from the lot areas.

TRAILER. Either a mobile home or a travel trailer.

TRAVEL TRAILER. A trailer house not more than eight (8) feet in body width or more than 32 feet in body length, designed primarily for temporary occupancy and for travel, recreational and vacation uses.

TRAVEL TRAILER PARK (or campground). A parcel of land used for the accommodation of two or more travel trailers or similar recreation vehicles occupied as living or sleeping quarters, or two or more camping spaces.

USE. The purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.

YARD, FRONT. A front yard is an open, unoccupied space on the same lot with a building, between the front line of the building and the street line of the lot, unobstructed upward. In the instance of a corner lot, the front yard shall be on the narrowest street frontage, and the street side yard on the widest street frontage.

YARD, REAR. A rear yard is an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot, unobstructed upward.

YARD, SIDE. A side yard is an unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

Article 3: Use Provisions by Zone

Section 1: USE DISTRICTS.

For the purpose of this ordinance, the City of Elgin is hereby divided into three types of districts designated as follows:

Zone Name	Abbreviation
Residential District	R
Commercial District	C
Industrial District	I

The boundaries of those districts are established as shown on the official zoning map of the City of Elgin, Oregon, which is provided for by this ordinance and is on file in the office of the Recorder.

Unless otherwise shown on the zoning map of the City, boundaries of the district are lot lines, center lines of streets and alleys, and railroad right-of-way lines as they exist at the time of the enactment of this ordinance.

Section 2: REGULATIONS AND STANDARDS.

A. In the residential district, no building or premises shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance except for one or more of the following uses:

1. Uses Permitted Outright. In a Residential Zone, the following and their accessory uses are permitted outright:

   a. One and Two Family Dwellings
   b. Mobile homes meeting the requirements below:

      (1) Submit a petition bearing the supportive signatures of 70% of the property owners within 300' of proposed location.
      (2) Meet lot dimension and setback requirements applicable to typical single-family residences.
      (3) Wheels and hitch must be removed and the unit placed on a permanent foundation and anchored thereto.
      (4) The unit must be attached to water and sewage disposal systems separate from other mobile homes or other

(5) The unit must be skirted and maintained in similar fashion to other residences in the area.

c. Uses accessory to dwellings:

(1) Private garages as separate buildings, garages attached to or within dwellings.
(2) The renting of rooms including boarding for the accommodation of not to exceed five persons in a single family dwelling.

2. Conditional Uses Permitted. In the Residential Zone, the following and their accessory uses are permitted by conditional use approval.

a. Multiple Family Dwelling
b. Hospitals
c. Churches
d. Home Occupation
e. Parks and playgrounds
f. Libraries, museums and art galleries
g. Public buildings such as fire stations, pump stations, schools and community centers
h. Neighborhood grocery stores

3. Dimension and Area Requirements. In the Residential Zone, the following dimension and area requirements shall be followed:

a. Yard Requirements.

(1) Front Yard: Twenty (20) feet deep from lot line to any structure.
(2) Rear yard: Five (5) feet deep from lot line to any dwelling.
(3) Side Yard: There shall be a side yard of not less than five (5) feet in width on each side of any building or structure, except that a street side yard shall be fifteen (15) feet.

b. Site area requirements.

(1) Single family dwelling units - 5000 square feet.
(2) Two family dwelling units - 7500 square feet.
(3) Three or more dwelling units - 7500 square feet plus 1000 square feet per unit additional over two.

B. In the Commercial District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

1. Uses Permitted Outright. In a Commercial Zone, the following and their accessory uses are permitted outright:

a. Any use permitted outright in the Residential District.
b. Multiple family dwellings.

c. Educational and charitable institutions.
d. Hotels, motor courts.
e. Nurseries and greenhouses.
f. Private clubs, lodges and fraternities.
g. Public garages, service stations.
h. Recreational enterprises.
i. Retail stores and shops including service establishments.

2. In the Commercial Zone, the following and their accessory uses are permitted by conditional use approval.

a. Wholesale establishments and warehouses, providing that facilities for loading and unloading trucks, automobiles and vehicles of conveyance must be provided within the confines of the property boundaries of such establishments and warehouses, to the extent that all loading and unloading of goods, wares, merchandise, equipment and other personal property shall be conducted outside the boundaries of city streets.

b. Uses listed as Conditional Uses in the Residential Zone and not permitted outright in this zone.

3. Dimension and Yard Requirements.

a. Lots used for residential purposes shall have the same area and dimension requirements as in the residential zone.

b. Lots used for commercial purposes shall have area and dimension requirements as determined necessary by the Council to insure adequate area for parking, loading, unloading and other activities anticipated for the uses.

C. In the Industrial District, all buildings and premises, except as otherwise provided in this ordinance may be used for any purpose permitted in the business district and any other purposes except those uses which have been declared nuisances by statutes or ordinances, by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise, sawdust, soot, or vibrations, provided that the City Council shall have the power to grant conditional and revocable permits for any such use within the industrial district after public hearing and examinations of the location, upon due proof to the satisfaction of the City Council that the maintenance of such use will not be unduly detrimental to adjacent and surrounding property, except the following which are absolutely prohibited:

1. Abattoir
2. Acid Manufacture
3. Cement, lime, gypsum or plaster of paris manufacture
4. Distillation of bones
5. Explosives, manufacture or storage
6. Fat rendering

7. Fertilizer manufacture
8. Garbage, offal or animal reduction or dumping
9. Gas manufacture
10. Glue manufacture
11. Petroleum refining
12. Smelting of tin, copper, zinc or iron ores
13. Stock yards and/or feed yards
14. Tannery
15. Storage or baling of rags, hides, paper, iron or junk
16. Used car junk areas
17. Animal husbandry
18. Other uses excluded from the City of Elgin by ordinance.

Article 4: Conditional Uses

Section 1: AUTHORIZATION.

Uses designated in this ordinance as permitted conditional uses may be permitted or enlarged or altered upon approval by the Council in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional use.

Section 2: APPLICATION FOR CONDITIONAL USES.

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the Council. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and the names of record and addresses thereof for all landowners within 300 feet of the parcel in question. The Council may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

Section 3: NOTICE OF HEARING ON CONDITIONAL USE. Before a conditional use or modification of an existing conditional use is allowed, it shall be considered at a public hearing by the Council. The public hearing before the Council shall be held within forty (40) days after the application is filed. The Council shall give notice of the hearing in the following manner:

A. By posting a notice of the public hearing in three locations within the City for ten (10) days preceeding the hearing.

B. By sending a copy of the notice to all land owners within 300 feet of the parcel in question. Such notice to be sent not less than 15 days prior to the hearing.

Section 4: COUNCIL ACTION. In addition to the general requirements of this ordinance, in granting a conditional use, the Council may attach conditions which it finds are necessary to carry out the

purposes of this ordinance.

A. Council action on a conditional use request shall recognize, but not be limited to the following:

1. Land use plan provisions for the area.

2. Surrounding area development and owner viewpoints.

3. Ability to meet utility needs.

4. Maintaining the stability of community social and environmental characteristics.

B. In considering a conditional use, the Council may set time limits or require other conditions as they determine desirable to minimize any adverse effects which might be attributed to the use. Such conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimensions.

2. Limiting the height of buildings.

3. Controlling the location and number of vehicle access points.

4. Increasing the street width.

5. Increasing the number of required off-street parking spaces.

6. Limiting the number, size, location, and lighting of signs.

7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property.

8. Designating sites for open space.

9. Setting a time limit for which the conditional use is approved.

10. Site reclamation upon discontinuance of use.

C. In addition to any of the above conditions required, the following standards shall apply to home occupations and mobile home parks.

1. Home Occupations.

(a) The home occupation shall be secondary to the main use of the property as a residence.
(b) The home occupation shall be limited to either an

accessory structure or to not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.

(c) Structural alterations shall be minimized and shall not detract from the outward appearance of the property as a residential use.

(d) Not more than one person other than the immediate family residing in the dwelling is to be engaged in the home occupation.

(e) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

(f) No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed.

(g) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.

2. Mobile Home Parks.

(a) At least two acres shall be included in the park.

(b) Setbacks shall be 20 feet front yard and 10 feet all other yards. No mobile home shall be closer than 15 feet from any structure within or outside the park boundary.

(c) Minimum area and dimensions for each space are 5000 square feet and 100 feet x 50 feet, respectively.

(d) Minimum street surface width shall be 24 feet. Streets shall be paved or surfaced with oil mat. Street design shall be approved by Council prior to initiating construction.

(e) At least one surfaced, off-street parking space per unit shall be provided. Such space shall not be located within required setback areas.

(f) Sight-obscuring fencing and/or landscaping may be required by Council on every side of the park.

Section 5: RECESS OF HEARING.

The Council may recess a hearing on a conditional use request in order to obtain additional information or to notify additional property owners who it believes may be interested in the proposed conditional use. Upon recessing the Council shall announce the time and date when the hearing will be resumed.

Section 6: NOTIFICATION OF ACTION.

The Council shall notify the applicant in writing of the action of the Council within five (5) days after the decision has been rendered.

Section 7: REVOCATION OF A CONDITIONAL USE PERMIT.

Any permit granted hereunder shall be subject to denial or revocation by the Council if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not satisfied.

A. In order to consider revocation of a conditional use permit the Council shall hold a public hearing as prescribed under this section in order for the permit holder to show cause why such permit should not be revoked.

B. If the Council finds that the conditions of permit approval have not been complied with or are not satisfied, a reasonable time shall be given for rectification, and if corrections are not made within that time, revocation of the permit shall become effective ten days after the time specified.

C. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Council may allow a new application if in its opinion new evidence or a change in circumstances warrant it.

Article 5: General Provisions

Section 1: REDUCTION IN AREA OF LOTS.

No lot shall be reduced in area so that yards less than the minimum required under this ordinance shall result.

Section 2: ONLY ONE PRINCIPAL BUILDING ON ANY LOT.

No dwelling shall be erected on a lot which does not abut at least one street for a minimum distance of 25 feet. No building in the rear of a principal building on the same lot may be used for residential purposes, except for employment of the occupants of the principal building and their immediate families.

Section 3: YARD SPACES SHALL NOT OVERLAP.

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required under this ordinance for another building.

Section 4: LOT OF RECORD EXEMPTION.

Where the owner of a lot or lots of official record at the time of the enactment of this ordinance does not own sufficient space in said lot or lots to enable him to conform to the yard and other requirements of this ordinance, such lot or lots may be used as a

building site, provided, that the yard space and other requirements shall conform as closely as possible in the opinion of the Council to the requirements for the district in which the property is located.

Section 5: FRONT YARDS.

The front yard requirements of this ordinance shall not apply where the average depth of the existing front yard on developed lots, located within 100 feet on each side of the lot and within the same block and zone, and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases the depth of the front yard on such lots shall not be less than the average existing front yard depth on the developed lots.

Section 6: EXISTING BUILDINGS AND NON-CONFORMING USES.

When a property or an existing building at the time of the passage of this ordinance, has a use which was legal prior to the passage of this ordinance, such may continue, even though it be not in conformity with the zoning regulations. Except as below, if the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations and after such change, it will not be permissible to change back again to the original non-conforming use.

A non-conforming use shall not be extended, but the extension of a use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this ordinance, shall not be deemed the extension of a non-conforming use, except that the Council may approve an expansion or extension of a non-conforming use if after a public hearing it is found that such expansion or extension is no more detrimental than the existing non-conforming use.

If a non-conforming use be discontinued for a period of ninety (90) days, the same cannot be again continued. If a building is un-occupied on the effective day of this Ordinance, then the last use shall be considered to be use of record and the ninety (90) day period of discontinuance allowed by Section 6 shall commence on the effective date of this Ordinance.

A non-conforming use, if changed to a more restricted non-conforming use, shall not thereafter be changed to a less restricted use. When a building having a non-conforming use is damaged by fire or other causes, and is not reconstructed within two years, then such building shall not be rebuilt unless in its construction and uses, it conforms fully to the requirements of this ordinance and other ordinances of the City as applied to new buildings and uses in the district in which it is to be located. In such rebuilding for non-conforming use, the building must be kept within the old foundation.

No building or structure shall be moved from one lot or premises

to another unless such building or structure shall thereupon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

Section 7: COMPLETION OF BUILDINGS.

Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a building upon which construction was actually begun thirty (30) days previous to the passage of this ordinance and the ground foundation framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction.

Section 8: OFF-STREET PARKING.

The following off-street parking requirements shall be provided at the time a building or structure is constructed or substantially altered, or there is a change in use of an existing structure:

A. Residences or other dwelling units.

1. Two spaces per single-family, duplex, or mobile home residence.

2. One and one-half spaces each, for more than two dwelling units.

3. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.

B. Other uses.

1. Assembly-type use - 1 space/100 square feet of assembly area.

2. Motel or resort - 1 space/unit.

3. Office or retail - 1 space/300 feet of area.

4. Restaurant or Tavern - 1 space/200 square feet of seating area.

5. Warehouse - 1 space/2000 square feet of warehouse area.

6. Other uses - as determined by the Council.

C. Off-street parking spaces shall not be located in the required yard areas of any building or structure.

Section 9: CLEAR VISION AREA.

Clear vision areas shall be provided with the following dimensions:

A. A clear vision area shall be a triangular area on a lot at the intersection of two streets, two sides of which are lot lines measured a distance of 30 feet from the corner intersection of the lot lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to the point of intersection.

B. The clear vision area shall contain no plantings, walls, structures or other temporary or permanent obstructions exceeding three feet in height measured from the grade of the street centerline.

Section 10: ACCESSORY USES.

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A. An accessory structure or use shall only be approved provided the principal use has been established.

B. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.

Section 11: TEMPORARY USES.

The City Council may, upon such petition, notice and hearing as it may deem proper, grant a temporary permit to use certain specified property for a purpose not authorized in the zone in which such property is located. Such temporary permit may be granted by motion or resolution, and shall be revocable at the will of the Council or extended for a time specified in the grant thereof, and it may be granted subject to such other limitations and conditions as the Council shall impose.

Article 6: Provisions Applicable to Floodplains

Section 1: GENERAL REQUIREMENTS.

In order to insure the health, safety, and welfare of buildings, structures and the inhabitants thereof, development in areas delineated as floodplains on zoning maps of the City or determined to be subject to flooding shall comply with the following requirements:

A. Proposed development will not, if inundated, create flood hazards to the health, safety, or welfare of area inhabitants or the property thereof.

B. No structural improvements shall be allowed which would likely alter the flow of surface water, or increase the depth thereof so as to endanger the health, safety or welfare of area residents which might be affected.

C. A plot plan shall be submitted for all development on any land subject to inundation and shall include an indication of the point at which location and elevation of the highest flood of record has been determined and the date of such flood.

D. Design of water supply and sewage disposal systems shall be such that during periods of inundation, the health, safety, or welfare of area or downstream residents will not be endangered.

E. In areas delineated on City Zoning Maps as floodway or floodway fringe areas, or if flood levels are determined by the Ctiy Council, the lowest floor of any permanent structure shall be at least 1 foot above the elevation of highest flood determinable for that area.

F. In areas delineated as floodway areas on City Zoning Maps, no permanent structures shall be allowed.

Section 2: PERMITS.

Prior to issuance of any permit for a building or structure to be erected, altered, enlarged, rebuilt or moved onto any lot or parcel of land in a known floodplain or floodway fringe area, and in order to insure satisfaction of the above standards, it shall be determined that the proposed building, structure, or mobile home meet all of the following conditions:

A. Be designed and anchored to resist the flotation, collapse or lateral movement due to flooding.

B. Be constructed of materials and utility equipment that are resistant to flood damage.

C. Be constructed utilizing methods and practices that will minimize flood damage.

D. Be provided adequate drainage in order to reduce exposure to flood hazards.

E. Be located so that public utilities and facilities on the site are constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

Requests for building permits shall indicate the height to which applicable structures are flood-proofed, and shall be accompanied by a floodproofing certification from a professional engineer or architect.

Section 3: VARIANCE WITHIN A FLOODPLAIN.

Any variance of the floodplain standards of this Ordinance shall be reported to the Federal Insurance Administration of the Department of Housing and Urban Development and may result in (1) significantly high premium rates for insurance, and (2) increased risks to life and property. No variance for the placement of an obstruction in a floodway shall be allowed.

Article 7: Variances

Section 1: AUTHORIZATION TO GRANT OR DENY VARIANCES.

The City Council may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific peice of property, the literal interpretation of this Ordinance would cause undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting of variance the Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

Section 2: CONDITIONS FOR GRANTING OF VARIANCE.

No variance shall be granted by the Council unless it can be shown that all of the following conditions exist:

A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

C. The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any municipal development plan or policy.

D. The variance request is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.

Section 3: VARIANCE PROCEDURE.

The procedure to be followed in applying for and acting on a

variance shall be substantially the same as those provided in Article 4 of this Ordinance except that notice of hearing need only be mailed to owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested.

Article 8: Amendments

Section 1: INITIATION.

The Council may on its own motion, or upon property owner petition, after public notice and hearing, amend this ordinance and change boundaries of zones as herein established.

Section 2: NOTICE.

Said changes may be made only after notice to the owners of record of the properties within the area proposed for rezoning, and to those other property owners of record within the area determined by the Council to be that logical for inclusion in the rezoning, and to those property owners within 200 feet of such areas. Width of streets and of alleys shall be excepted in the measurement of areas mentioned above.

Section 3: PETITIONS.

All changes except those initiated by the Council shall be made upon petition bearing the signatures of 50 or more percent of the owners of record of the property within the area proposed for rezoning, and within 200 feet from the boundaries of such area. Width of streets and alleys excepted. Such petition shall properly identify the property proposed for rezoning and shall contain the correct addresses of those owners of record concerned in the area proposed for rezoning and within all surrounding areas as set forth above.

The petition shall set forth the reason for and the necessity for rezoning the property in question and the use to be made of it. Prior to any hearing, the Council shall review the petition and determine if additional area should be included for rezone consideration.

The costs to consider any rezoning not initiated by the City Council shall be paid by the petitioners prior to any rezone hearing.

Section 4: PUBLIC HEARING.

The City Council shall afford all interested persons an opportunity to be heard on the rezoning proposal, at a public hearing. The time and place of same to be stated in notices mailed to the last known addresses of all property owners of record within the area proposed for rezoning and in the contiguous area, as set forth above.

Notice of said public hearing shall be published in accord with State law, and in no case shall be published less than once within the week in which the meeting is to be held and shall state the facts pertinent to the hearing. If a petition is presented protesting against said rezoning proposal, duly signed by 51 or more percent of the owners of record, of the area proposed for rezoning and the area within 200 feet of such as defined above, then, the proposed rezoning shall not be allowed.

Article 9: Administrative Provisions

Section 1: APPEALS FROM RULINGS ON PERMITS.

Any interested citizen of the City may appeal to the City Council any ruling pertaining to the granting or denial of any permit applied for hereunder when such ruling is adverse to his interests, by filing with the City Recorder within ten (10) days from such ruling a written notice stating with reasonable accuracy the particular ruling from which appeal is made, and state the grounds therefor. Thereupon the Recorder shall forthwith obtain all papers constituting the record upon which the action appealed from is based, and refer the same to the City Council. The City Council may request any additional evidence as either deems relevant to the issues involved, and within thirty (30) days and after a public hearing thereon, the City Council shall have the power to affirm, overrule or alter any such ruling.

Section 2: PENALTY FOR VIOLATION.

The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this ordinance or who shall fail to comply therewith, or who shall build in violation of any detailed statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $500.00 or jailed not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate offense.

Section 3: CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: VALIDITY.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except the part declared invalid.

Section 5: RESOLUTION.

WHEREAS the peace, health and safety of the City of Elgin is involved and in order to properly safeguard the same, there is and exists the necessity and emergency of immediate regulation as hereinabove provided; now, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage thereof and the approval by the Mayor.

PASSED by the City Council this 4 day of October, 1977.

APPROVED by the Mayor this 4 day of October, 1977.

Rodney L Lintoft
Mayor

ATTESTED AND FILED this 4 day of October, 1977.

Ron Scoubes
City Recorder